

Applicant : Eric M. DoBrava
Serial No. : 10/044,277
Filed : January 10, 2002
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Attorney's Docket No.: 10527-434001 / 00-0300

Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Figs. 1-5 and replace the original sheets including Figs. 1-5.

In each figure, the number 29 has been added as a designation for the collection array, which is already described in the text of the application. Therefore, this amendment does not add any new matter.

Attachments following last page of this Amendment:

Replacement Sheets (5 pages)

Annotated Sheets Showing Changes (5 pages)

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REMARKS

Applicant thanks the Examiner for his careful attention to this matter. In the Office Action, Claims 1-22 are pending, claims 19-22 are withdrawn, and claims 1-18 stand rejected. Of the rejected claims, claim 1 is the only independent claim.

Objection to the Drawings

The Office Action objects to the drawings as lacking a numerical label for the "collection array." Applicant has amended each of the drawings to include such an indication and has amended the specification similarly. No new matter is added by these amendments.

Rejection of Claims 1-18 Under 35 U.S.C. § 102 Over Imran

The Office Action rejects claims 1-18 as anticipated by U.S. Patent 5,833,650 to Imran et al. Imran discusses a catheter for treating occluded vessels. As shown in Figure 1 of Imran, the catheter has a "proximal extremity 17" and a "tubular member 51," which each appear simply to be two different areas along the length of the catheter. Near the tubular member of the catheter, an aspiration lumen 26 is provided. A balloon 19 is shown proximally of the aspiration lumen and another balloon 58 is shown distally of the aspiration lumen. As shown in Figure 4, the aspiration lumen 26 is simply a sliver-shaped passage in the tubular member 16 that makes up the catheter. Also, the aspiration lumen 26 is between the balloons, not on them, and does not expand outward in any manner.

Independent claim 1 recites a catheter having a collection array formed of a plurality of collection lumens and having outer circumferential walls spaced away from inner circumferential walls by radial spacing members. Imran does not disclose any such structure; rather, Imran shows only a single aspiration lumen 26, not a collection array, and the single lumen has no radial spacing members to maintain inner and outer walls from each other. The Office Action refers to items 17 and 51 as the collection array of Imran, but as just noted, those items are simply portions of the catheter shaft, and play no role in collecting any material. In short, Imran

does not disclose or even suggest the invention of claim 1, and the Office Action does not set forth any *prima facie* case of anticipation.

The dependent claims are even more different than Imran. For example, claims 3-7 all recite that the “collection array is radially extendible and radially collapsible.” Imran discloses no such structure. Rather, the only expandable or collapsible structures in Imran are balloons that are wholly separate from any collection structure such as aspiration lumen 26. Indeed, the balloons in Imran are used to block the vessel entirely, and the aspiration lumen 26 works separately at a distance away from the vessel walls. Thus, the Office Action has provided no indication that Imran meets these dependent claims.

As another example, dependent claims 8-12 recite particular arrangements of the lumen walls, and Imran neither discloses nor suggests any such structural arrangements. In addition, claims 13-17 recite particular arrangements for openings or ports for the collection array. The Office Action does not indicate that Imran discloses any such openings, but instead simply asserts that items 41 and 61 are collection ports. Item 61 is a port for inflating a balloon, not a collection port.. *See* Imran, col. 4, lines 58-61. And item 41 is also a port for allowing balloon inflation, not collection of any material. *See* Imran, col. 5, line 64 to col. 6, line 6. Thus, the Office Action also fails to make a *prima facie* case for anticipation of these claims for this additional reason.

Rejection of Claims 1 and 3-6 Under 35 U.S.C. § 102(e) Over Burkett et al.

The Office Action rejects claims 1 and 3-6 as anticipated by U.S. Patent 6,511,503 to Burkett et al. Burkett discusses a catheter having an expandable balloon for delivering a stent in a standard manner, along with an expandable filter 30 located downstream of the balloon to filter particles out of the blood flow. The filter simply has a number of undulating areas into which material may pass and then later be held.

As noted above, independent claim 1 recites a catheter having a collection array formed of a plurality of collection lumens and having outer circumferential walls spaced away from inner circumferential walls by radial spacing members. The filter of Burkett merely uses a

number of "trapping pockets" 31 and/or "reservoirs" 34 to trap material. Burkett does not disclose or even suggest collection lumens having walls spaced apart by radial spacing members. Instead, it simply has pockets that collect material but then simply hold it in place. In fact, there are no spaced apart walls at all in Burkett, as the reservoirs simply squeeze material on the outside of the device. The material then stays in the filter for the remainder of the procedure, while the filter is removed from the vessel—an entirely different approach to that claimed in the present application. While the office action notes that items 11 and 15 in Burkett are lumens, it fails to indicate that they are collection lumens that are part of a collection array as recited in claim 1. In fact, items 11 and 15 are simply inflation lumens that communicate only with the interior of inflatable members, and thus are entirely incapable of collecting any material from the vessel.

Thus, Burkett too is insufficient to anticipate the pending claims. Applicant therefore submits that all pending claims are in condition for immediate allowance, and requests the same.

Applicant respectfully notes that an initialed copy of the PTO-1449 form filed September 27, 2002, has not been returned. Thus, Applicant respectfully requests return of an initialed copy. For the Examiner's convenience, a copy of the PTO-1449 form filed September 27, 2002, is attached hereto. In addition, copies of the listed references can be resubmitted upon request.

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Enclosed is a \$430 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Date: 12-1-04

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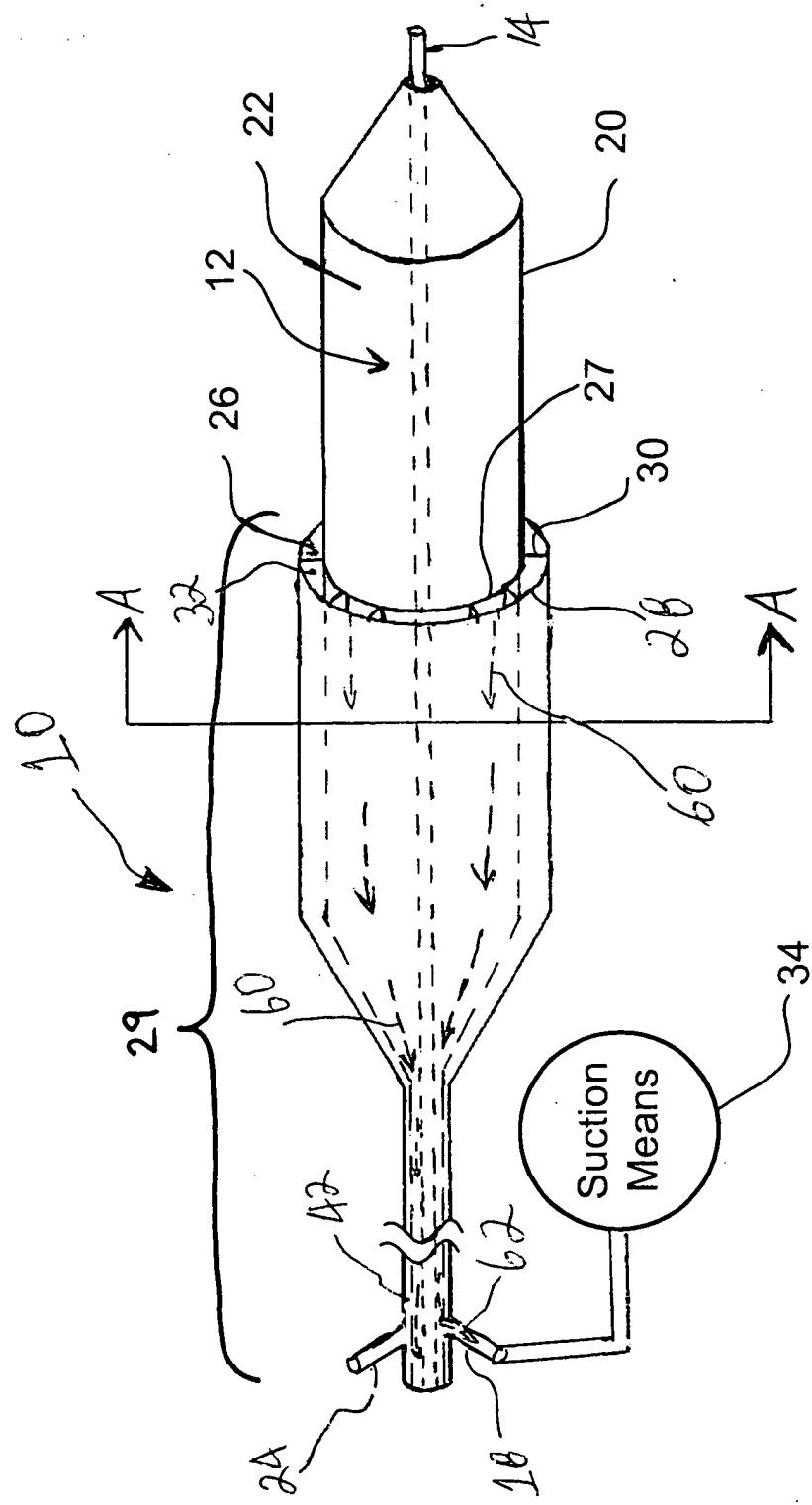


FIG. 1

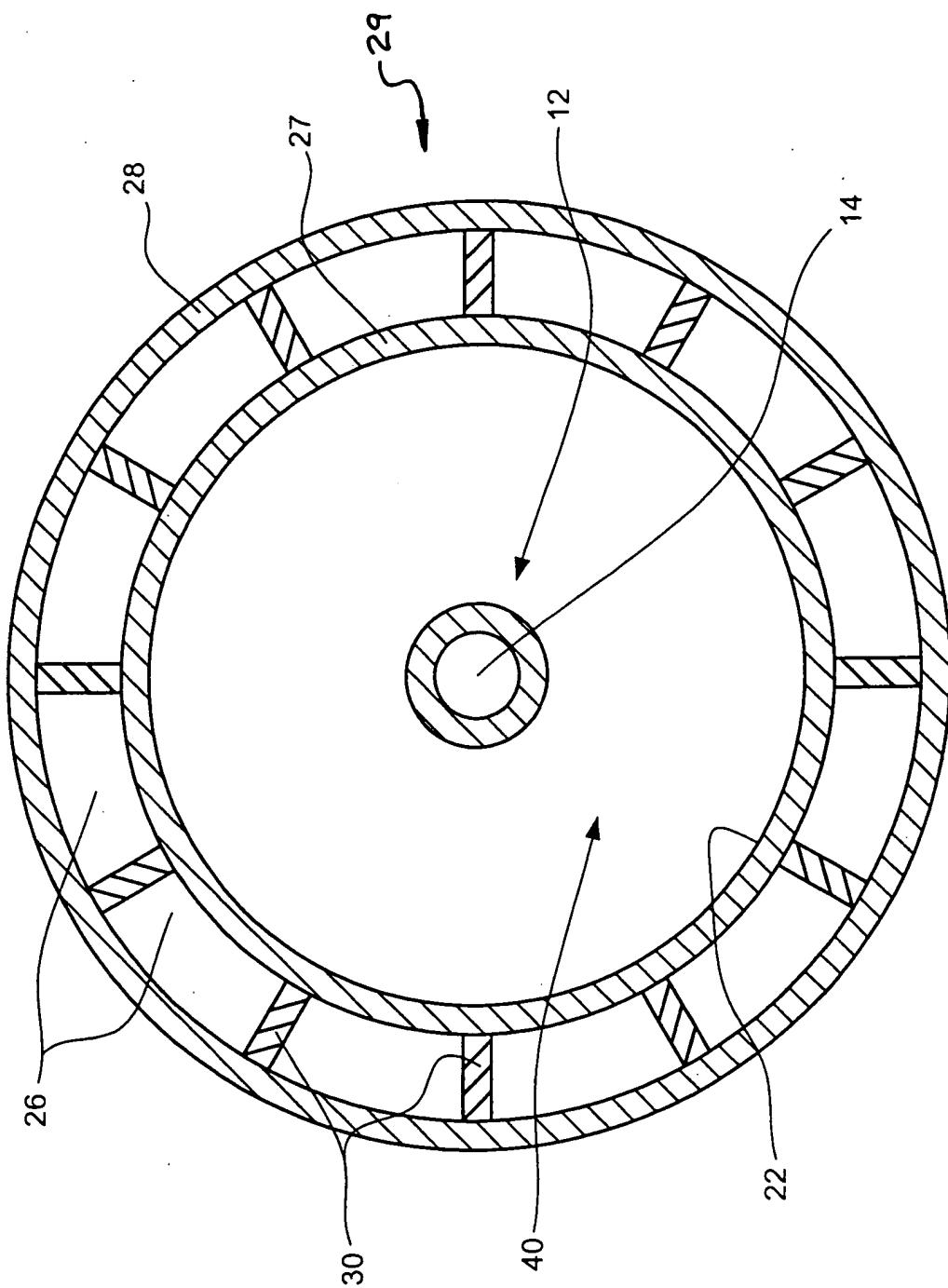
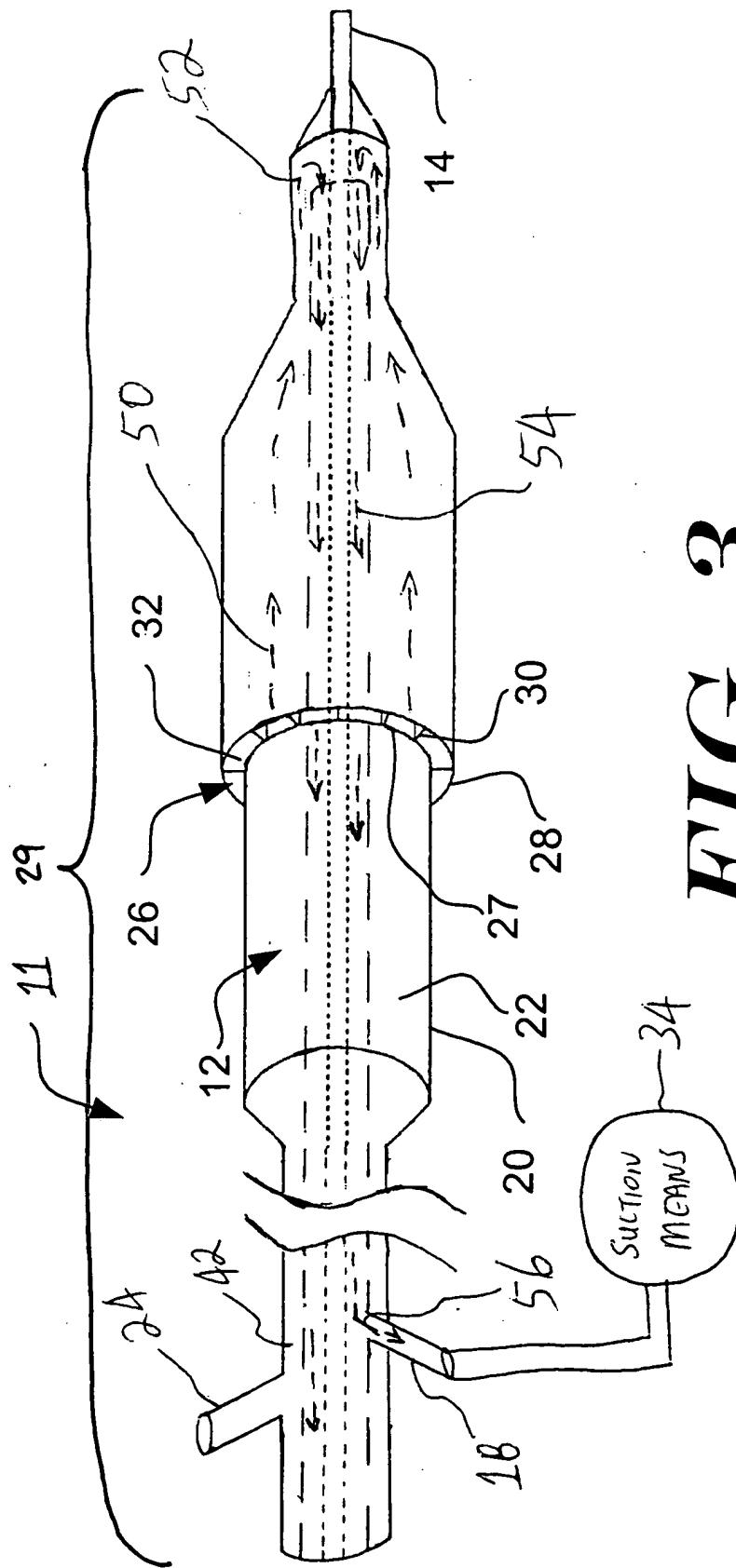


FIG. 2



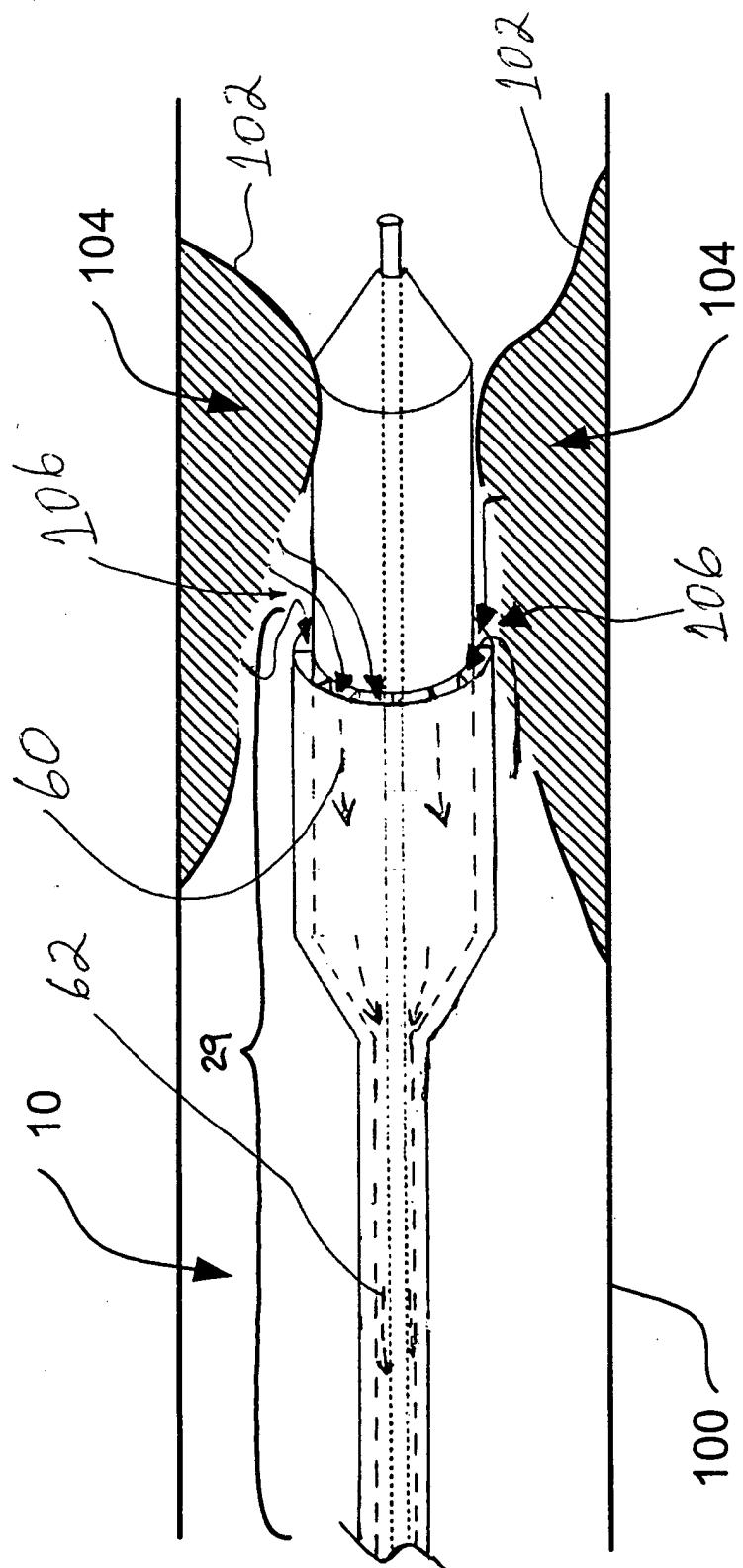


FIG. 4

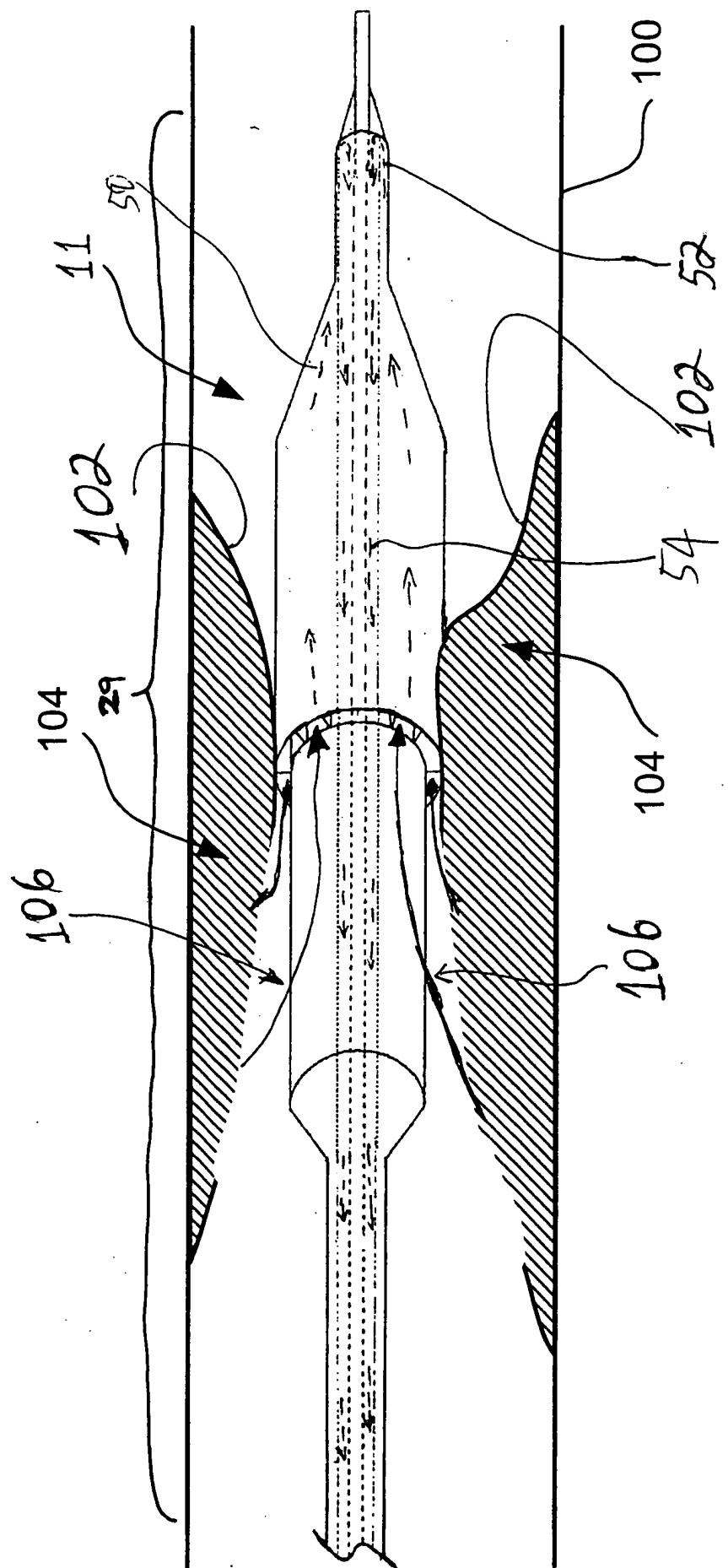


FIG. 5

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